

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Reliant Life Sciences, LLC

v.

Case No. 22-cv-137-SE

AGC Biologics, Inc. and
Daigle Computer Systems, Inc.

ORDER

After consideration of plaintiff Reliant Life Science, LLC's response (doc. no. [22](#)) to the court's June 26, 2023 order, the court herewith approves in part the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated May 23, 2023 (doc. no. [20](#)). The court approves the portion of the R&R recommending that the court: (1) grant Reliant's motion for default judgment (doc. no. [19](#)) on its claims for breach of contract and violation of RSA 358-A, (2) award Reliant damages in the amount of \$4,223.50 in attorneys' fees and \$181.30 in costs, and (3) dismiss the remaining claims against defendant Daigle Computer Systems, Inc. as moot.

The court does not approve the portion of the R&R recommending that the court award \$105,000 in treble damages under RSA 358-A. The court has considered Reliant's arguments and does not find persuasive its contention that RSA 358-A permits the trebling of a liquidated damages award. Neither New Hampshire case law nor the plain language of the statute supports such an award. The court, however, grants Reliant's request to present evidence of its actual damages for the purposes of its claim under RSA 358-A.

Conclusion

For the foregoing reason, the court approves in part the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated May 23, 2023 (doc. no. [20](#)). The court grants in part Reliant's motion for default judgment (doc. no. [19](#)) to the extent that it requests judgment on its claims for breach of contract and violation of RSA 358-A and damages in the amount of \$4,223.50 in attorneys' fees and \$181.30 in costs. The remaining claims are dismissed as moot. The court denies without prejudice Reliant's motion for default judgment to the extent that it seeks an award of \$105,000 in damages under RSA 358-A.

Within 21 days, Reliant shall file a renewed motion for default judgment as to its claim for damages for breach of contract and for a violation of RSA 358-A. To the extent that Reliant seeks treble damages under RSA 358-A, it shall present evidence of its actual damages.

SO ORDERED.



Samantha D. Elliott
United States District Judge

Date: July 31, 2023

cc: Counsel of record